

JUDICIAL INDEPENDENCE AND RULE OF LAW ESSENTIAL, JUDGES SAY

WASHINGTON, AUGUST 21 -- "The best hope of living in peace and prosperity in the world today is if all nations abide by the notion of the rule of law," said Former U.S. Supreme Court Justice Sandra Day O'Connor August 14. "Laws properly adopted by a country must be applied, interpreted and enforced by an independent judiciary," O'Connor told a panel of judges in Islamabad Pakistan using video conferencing.

Judges must be able to enforce laws, even in the face of political opposition, O'Connor said. They must be free to render fair and impartial judgments without fear of retaliation by other branches of government, she said.

At the same multinational panel, Honorable Chief Justice of Pakistan Iftikhar Muhammad Chaudhry said that judicial independence is an essential element of a nation practicing good governance.

The panel discussion featuring sitting and former judges from several countries was part of a four-day international judicial conference. The 91 participants from 43 countries, including 20 sitting chief justices, discussed common issues and shared ideas about judicial roles and powers.

O'Connor said it is vitally important that lawyers and judges "speak out in support of the concept of independence of the judiciary and that they help us maintain it and retain it and apply it."

Judge Robert Henry of the U.S. Court of Appeals for the Tenth Circuit, also speaking via video, encouraged judges to discuss the issues they commonly share, including tenure, resources, executive branch support and such internal problems as corruption.

"It is very important for judges around the world to come together to exchange thoughts, exchange commentary ... and to exchange tactics with each other for how we deal with these problems," Henry said.

From the day they are appointed, judges, whether appointed to a lower court or the Supreme Court, must be independent, impartial and maintain no personal interest in a case, Chaudhry said. O'Connor added that judges must be bound to high ethical standards and be subject to discipline for violating these standards.

One of the biggest concerns the judges mentioned was corruption. Controlling judges' corruption is one of the most important ways to ensure the independence of the judiciary, Chaudhry said. Many of Pakistan's courts enforce a judges' code of conduct to help fight corruption, he said.

The conference coincided with the 50th anniversary of Pakistan's Supreme Court. See the Supreme Court of Pakistan's (<http://www.supremecourt.gov.pk/>) Web site for more information.

More information about judicial independence is available on the Democracy Dialogues Independent Courts (http://www.democracy.gov/dd/eng_democracy_dialogues/independent_courts.html) Web site.

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